



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4133

Introduced 10/20/05, by Rep. Richard P. Myers

#### SYNOPSIS AS INTRODUCED:

820 ILCS 315/3

from Ch. 48, par. 283

Amends the Line of Duty Compensation Act. Provides that, if no beneficiary is designated or surviving at the death of an Armed Forces member killed in the line of duty, compensation under the Act shall be paid in the following priority: to the surviving beneficiaries designated in the Armed Forces member's Servicemembers' Group Life Insurance Election and Certificate; in accordance with the Armed Forces member's valid will; or in accordance with the provisions of the Act that apply to other line-of-duty deaths. Applies regardless of when the death occurred, unless compensation was paid before the effective date of the amendatory Act. Effective immediately.

LRB094 13922 WGH 48803 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Line of Duty Compensation Act is amended by  
5 changing Section 3 as follows:

6 (820 ILCS 315/3) (from Ch. 48, par. 283)

7 Sec. 3. Duty death benefit.

8 (a) If a claim therefor is made within one year of the date  
9 of death of a law enforcement officer, civil defense worker,  
10 civil air patrol member, paramedic, fireman, chaplain, State  
11 employee, or Armed Forces member killed in the line of duty,  
12 compensation shall be paid to the person designated by the law  
13 enforcement officer, civil defense worker, civil air patrol  
14 member, paramedic, fireman, chaplain, State employee, or Armed  
15 Forces member. However, if the Armed Forces member was killed  
16 in the line of duty before October 18, 2004, the claim must be  
17 made within one year of October 18, 2004.

18 (b) The amount of compensation, except for an Armed Forces  
19 member, shall be \$10,000 if the death in the line of duty  
20 occurred prior to January 1, 1974; \$20,000 if such death  
21 occurred after December 31, 1973 and before July 1, 1983;  
22 \$50,000 if such death occurred on or after July 1, 1983 and  
23 before January 1, 1996; \$100,000 if the death occurred on or  
24 after January 1, 1996 and before May 18, 2001; \$118,000 if the  
25 death occurred on or after May 18, 2001 and before July 1,  
26 2002; and \$259,038 if the death occurred on or after July 1,  
27 2002 and before January 1, 2003. For an Armed Forces member  
28 killed in the line of duty (i) at any time before January 1,  
29 2005, the compensation is \$259,038 plus amounts equal to the  
30 increases for 2003 and 2004 determined under subsection (c) and  
31 (ii) on or after January 1, 2005, the compensation is the  
32 amount determined under item (i) plus the applicable increases

1 for 2005 and thereafter determined under subsection (c).

2 (c) Except as provided in subsection (b), for deaths  
3 occurring on or after January 1, 2003, the death compensation  
4 rate for death in the line of duty occurring in a particular  
5 calendar year shall be the death compensation rate for death  
6 occurring in the previous calendar year (or in the case of  
7 deaths occurring in 2003, the rate in effect on December 31,  
8 2002) increased by a percentage thereof equal to the percentage  
9 increase, if any, in the index known as the Consumer Price  
10 Index for All Urban Consumers: U.S. city average, unadjusted,  
11 for all items, as published by the United States Department of  
12 Labor, Bureau of Labor Statistics, for the 12 months ending  
13 with the month of June of that previous calendar year.

14 (d) If no beneficiary is designated or surviving at the  
15 death of the law enforcement officer, civil defense worker,  
16 civil air patrol member, paramedic, fireman, chaplain, or State  
17 employee, ~~or Armed Forces member~~ killed in the line of duty,  
18 the compensation shall be paid as follows:

19 (1) when there is a surviving spouse, the entire sum  
20 shall be paid to the spouse;

21 (2) when there is no surviving spouse, but a surviving  
22 descendant of the decedent, the entire sum shall be paid to  
23 the decedent's descendants per stirpes;

24 (3) when there is neither a surviving spouse nor a  
25 surviving descendant, the entire sum shall be paid to the  
26 parents of the decedent in equal parts, allowing to the  
27 surviving parent, if one is dead, the entire sum; and

28 (4) when there is no surviving spouse, descendant or  
29 parent of the decedent, but there are surviving brothers or  
30 sisters, or descendants of a brother or sister, who were  
31 receiving their principal support from the decedent at his  
32 death, the entire sum shall be paid, in equal parts, to the  
33 dependent brothers or sisters or dependent descendant of a  
34 brother or sister. Dependency shall be determined by the  
35 Court of Claims based upon the investigation and report of  
36 the Attorney General.

1       (d-1) If no beneficiary is designated or surviving at the  
2 death of the Armed Forces member killed in the line of duty,  
3 the compensation shall be paid as follows:

4           (1) the entire sum shall be paid to the surviving  
5 beneficiaries designated in the Armed Forces member's  
6 Servicemembers' Group Life Insurance Election and  
7 Certificate (SGLV-8286) (or in any other designation  
8 certificate for the Armed Forces member's Servicemembers'  
9 Group Life Insurance specified by the Department of  
10 Defense) in effect at the time of the Armed Forces member's  
11 death;

12           (2) if there are no surviving beneficiaries designated  
13 under subdivision (1) and the Armed Forces member left a  
14 valid will, the entire sum shall be paid in accordance with  
15 the will; and

16           (3) if there are no surviving beneficiaries designated  
17 under subdivision (1) and the Armed Forces member did not  
18 leave a valid will, the entire sum shall be paid shall be  
19 paid in accordance with subsection (d).

20       This subsection (d-1) applies regardless of when the death  
21 occurred, unless compensation was paid before the effective  
22 date of this amendatory Act of the 94th General Assembly.

23       (e) When there is no beneficiary designated or surviving at  
24 the death of the law enforcement officer, civil defense worker,  
25 civil air patrol member, paramedic, fireman, chaplain, State  
26 employee, or Armed Forces member killed in the line of duty and  
27 no surviving spouse, descendant, parent, dependent brother or  
28 sister, or dependent descendant of a brother or sister, no  
29 compensation shall be payable under this Act.

30       (f) No part of such compensation may be paid to any other  
31 person for any efforts in securing such compensation.

32       (g) This amendatory Act of the 93rd General Assembly  
33 applies to claims made on or after October 18, 2004 with  
34 respect to an Armed Forces member killed in the line of duty.

35       (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,  
36 eff. 10-18-04; 93-1073, eff. 1-18-05.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.